

### **REMARKS**

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 10-13, 15-22, and 29 are pending in this case. Claim 10 is amended herein.

The Examiner rejected claims 10-13, 15-22 and 29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that amended claim 10 is sufficiently definite to particularly point out and distinctly claim the invention to one of ordinary skill in the art. The phrase "a precipitate in said precipitate region is noncontinuous" would be understood by one of ordinary skill in the art having reference to the specification with sufficient definiteness. The term "noncontinuous" as used in the instant application is defined in the specification in the last sentence of paragraph [0023] as meaning "the implanted precipitate region 120 need not be a solid layer, such as might be found with a silicon-on-insulator (SOI) layer." The specification further clarifies this in paragraph [0029] by referring to "small crystal forms" in the implanted precipitate region and by describing the implantation concentration. For example, rather than referring to a solid silicon dioxide layer (such as is used in SOI), "noncontinuous" would refer to small crystal forms of silicon dioxide within the precipitate region of the substrate. This is further consistent with the drawings which show precipitate scattered throughout the precipitate region rather than a solid layer such as SiGe layer 130 of Figure 1. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

The Examiner rejected claims 10-13, 15-22 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Anc in view of Mizushima, both of record.

Applicant respectfully submits that claim 10 is patentable over Anc in view of Mizushima as there is no disclosure or suggestion in the references of implanting a precipitate region within the lattice structure and forming a gate structure over the substrate having the precipitate region therein, wherein a precipitate in the precipitate region is noncontinuous. SOI layers, such as layer 22 of Anc, differ from the claimed noncontinuous precipitate region in that the SOI layers are solid or continuous silicon dioxide. There is no teaching of a precipitate that is noncontinuous in the precipitate region. This difference exists whether or not the SOI layers extend across the entire device or are only formed in portions of the device, such as would be formed using the mask structure of FIG. 6 of Anc. In other words, the SOI layer formed at the exposed regions of FIG. 6 would be solid (after the anneal processes of Anc) at those regions where it was formed. Accordingly, Applicant respectfully submits that claim 10 and the claims dependent thereon are patentable over the references.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 10-13, 15-22, and 29. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,

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